

IN THE  
**ARIZONA COURT OF APPEALS**  
DIVISION TWO

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THE STATE OF ARIZONA,  
*Respondent,*

*v.*

ROCK KELLY INGRAM,  
*Petitioner.*

No. 2 CA-CR 2018-0145-PR  
Filed October 23, 2018

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THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND  
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.  
NOT FOR PUBLICATION  
*See Ariz. R. Sup. Ct. 111(c)(1); Ariz. R. Crim. P. 31.19(e).*

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Petition for Review from the Superior Court in Pinal County  
No. S1100CR201500569  
The Honorable Joseph R. Georgini, Judge

**REVIEW GRANTED; RELIEF DENIED**

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COUNSEL

Kent P. Volkmer, Pinal County Attorney  
By Geraldine L. Roll, Deputy County Attorney, Florence  
*Counsel for Respondent*

Rock K. Ingram, Florence  
*In Propria Persona*

STATE v. INGRAM  
Decision of the Court

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**MEMORANDUM DECISION**

Judge Eppich authored the decision of the Court, in which Presiding Judge Vásquez and Judge Espinosa concurred.

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E P P I C H, Judge:

¶1 Citing Rule 32.9(c), Ariz. R. Crim. P., Rock Ingram seeks review of the trial court's order denying his motions raising various issues related to his conviction and sentence following a guilty plea. We will not disturb that order unless the court abused its discretion. *See State v. Roseberry*, 237 Ariz. 507, ¶ 7 (2015). Ingram has not shown such abuse here.

¶2 In 2015, Ingram pled guilty to aggravated driving while under the influence of intoxicating liquor or drugs while his driver license was suspended, revoked, cancelled, or refused. He also admitted having a prior conviction for weapons misconduct committed in 2012. The trial court sentenced him to a seven-year prison term.

¶3 Ingram sought post-conviction relief, and appointed counsel filed a notice stating that he had reviewed the record but found no claims to raise in a Rule 32 petition. Ingram filed a pro se petition claiming his trial counsel had been ineffective. The trial court denied relief. Ingram filed a motion seeking additional time to file a motion for rehearing as well as an untimely motion for rehearing. The court granted Ingram's motion for an extension, but somewhat confusingly included a deadline for Ingram to file a "Petition for Post-Conviction Relief" and denied the motion for rehearing Ingram had already filed. Before the deadline imposed by the court, Ingram filed a petition for post-conviction relief raising various claims, which the trial court summarily denied in July 2017. Ingram did not seek review of that order, instead filing in January and March 2018 motions referring to Rule 32 and challenging his conviction and sentence. The court denied those motions, and this petition for review followed.

¶4 On review, Ingram again claims his sentence was improper and that he received ineffective assistance of trial counsel, and asserts the prosecutor committed misconduct. To the extent Ingram raised these claims in his motions below, they cannot be raised in an untimely Rule 32 proceeding. Ariz. R. Crim. P. 32.4(a)(2)(A), (C). Ingram has identified no

STATE v. INGRAM  
Decision of the Court

claim exempt from the timeliness requirements of Rule 32.4 and has not demonstrated the trial court erred by summarily denying his claims.

¶5 We therefore grant review but deny relief.